

ORDINANCE NO. 20080508-084

AN ORDINANCE AMENDING ORDINANCE NO. 910620-C, REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1109 NORTH IH-35 SERVICE ROAD NORTHBOUND IN SUBDISTRICT THREE OF THE EAST 11TH STREET NEIGHBORHOOD CONSERVATION COMBINING DISTRICT AND THE CENTRAL EAST AUSTIN NEIGHBORHOOD PLAN AREA FROM GENERAL COMMERCIAL SERVICES NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN (CS-NCCD-NP) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN (CS-NCCD-NP) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from general commercial services neighborhood conservation-neighborhood plan (CS-NCCD-NP) combining district to general commercial services neighborhood conservation-neighborhood plan (CS-NCCD-NP) combining district on the property described in Zoning Case No. C14-2008-0061, on file at the Neighborhood Planning and Zoning Department, as follows:

A 2.0902 acre tract of land, more or less, out of Outlot 55, Division B, Original City of Austin, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 1109 North IH-35 Service Road Northbound, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. Except as specifically provided in Part 3 and Part 4 of this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district and other applicable requirements of the City Code.

PART 3. Ordinance No. 910620-C is amended as shown in the Part.

A. Attachment 16 of Ordinance No. 910620-0C is amended to include all residential uses as permitted uses of the Property. The residential uses are:

Bed & breakfast residential (Group 1)
Condominium residential
Group residential
Retirement housing (small site)
Single family attached residential
Small lot single family residential
Two family residential

Bed & breakfast residential (Group 2)
Duplex residential
Multifamily residential
Retirement housing (large site)
Single family residential
Townhouse residential

B. Ordinance No. 910620-C is amended to delete in its entirety, Part 4 (c) that requires a qualified archaeologist be on-site during excavation in Subdistrict Three.

PART 4. The Property is subject to Ordinance No. 910620-C that established the East 11th Street neighborhood conservation (NCCD) combining district and Ordinance No. 011213-041 that established the Central East Austin neighborhood plan (NP) combining district. To the extent of conflict between the two ordinances, the use and site development regulations applicable to the East 11th Street neighborhood conservation (NCCD) combining district supersede.

PART 5. This ordinance takes effect on May 19, 2008.

PASSED AND APPROVED

_____ May 8 _____, 2008

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§ _____
Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk

FIELD NOTES DESCRIPTION

DESCRIPTION OF 2.0902 ACRES OF LAND IN OUTLOT 55, DIVISION B, ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS SHOWN ON THE MAP FILED IN THE TEXAS GENERAL LAND OFFICE, BEING ALL OF THAT CERTAIN CALLED 2.09 ACRE TRACT OF LAND DESCRIBED IN A DEED TO THE STATE OF TEXAS OF RECORD IN VOLUME 10634, PAGE 613, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 2 0902 ACRE TRACT, AS SHOWN ON LOOMIS AUSTIN, INC SURVEY PLAT PLAN NO. 3096 ALSO PREPARED AS A RESULT OF THIS SURVEY, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½-inch iron rod with plastic cap stamped "LAI" set at the intersection of the east right-of-way line of Interstate Highway No. 35 with the south right-of-way line of East 12th Street, being the northwest corner of said 2.09 acre State of Texas tract, and the northwest corner and **POINT OF BEGINNING** of the tract described herein (N=10,072,189.21, E=3,117,765.09);

THENCE, N 78° 04' 55" E, leaving the east right-of-way line of Interstate Highway No. 35 with the south right-of-way line of said East 12th Street, same being the north line of said 2.09 acre State of Texas tract, a distance of 229.30 feet to a cross cut in a concrete sidewalk found at the intersection of the said south right-of-way line of East 12th Street with the west line of Branch Street, for the northeast corner of said 2.09 acre State of Texas tract and of the tract described herein;

THENCE leaving the south right-of-way line of said East 12th Street with the west line of said Branch Street, same being the east line of said 2.09 acre State of Texas tract, the following two (2) courses and distances:

1. S 00° 40' 05" E a distance of 318.71 feet to a ½-inch iron rod found at an angle point, and
2. S 21° 50' 55" W a distance of 44.93 feet to a Mag nail with washer stamped "LAI" set in the top of a concrete drainage inlet for the southeast corner of said 2.09 acre State of Texas tract and of the tract described herein, same being the northeast corner of a called 1.418 acre tract described in a deed to Reuben D. Talasek of record in Volume 4139, Page 2120, Deed Records of Travis County, Texas;

THENCE, S 89° 09' 55" W, leaving the west line of said Branch Street, with the south line of said 2.09 acre State of Texas tract, same being the north line of said 1.418 acre Talasek tract, a distance of 304.91 feet to a calculated point (N=10,071,871.74, E=3,117,671.58) in the east right-of-way line of said Interstate Highway No. 35 for the southwest corner of said 2.09 acre State of Texas tract and of the tract described herein, from which the following are referenced: a ¾-inch iron disc on an iron pipe found at an angle point in the east right-of-way line of said Interstate Highway No. 35 bears S 16° 24' 48" W a distance of 20.73 feet, a ½-inch iron rod found bears N 32° 20' 49" W a distance of 0.19 feet; and a ¾-inch iron disc on an iron pipe found bears N 70° 23' 23" E a distance of 1.36 feet;

THENCE, N 16° 24' 48" E, with the east right-of-way line of said Interstate Highway No. 35, a distance of 330.97 feet to the **POINT OF BEGINNING** and containing 2.0902 acres of land, more or less.

BEARING BASIS: Texas Coordinate System, South Central Zone, NAD83, Grid, based on City of Austin horizontal control monuments
LAI WORD FILE: FN0351(wdo)R3
LAI PLAN NO. 3096.02

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS
COUNTY OF TRAVIS §

That I, John D. Barnard, a Registered Professional Land Surveyor, do hereby certify that the above description and the accompanying sketch is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during the month of May 2006, under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas on this 8th day of August 2006, A.D.

Loomis Austin, Inc
Austin, Texas 78746




John D. Barnard
Registered Professional Land Surveyor
No. 5749 - State of Texas

